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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:

All Actions

MDL No. 3047

Case Nos.: 4:22-md-03047-YGR-PHK

**[PROPOSED] ORDER RE PLAINTIFFS'
USE OF HIGHLY CONFIDENTIAL
"META PLATFORMS" CUSTODIAN
DOCUMENTS WITH FORMER META
EMPLOYEES IN DEPOSITION (ECF 1775)**

Judge: Hon. Yvonne Gonzalez Rogers
Magistrate Judge: Hon. Peter H. Kang

1 On March 18, 2025, Defendants Meta Platforms, Inc.; Facebook Holdings, LLC; Facebook
2 Operations, LLC; Facebook Payments, Inc.; Facebook Technologies, LLC; Instagram, LLC; and Siculus,
3 Inc. (collectively, “Meta”) and the Personal Injury, School District and Local Government Entity, and
4 State Plaintiffs (collective, “Plaintiffs” and, together with Meta, “the Parties”) filed a joint letter brief
5 regarding the use by Plaintiffs of documents designated by Meta as “Highly Confidential (Competitor)”
6 for which the only custodian is “Meta Platforms” (“HCC Documents”) with former Meta employees in
7 depositions. ECF 1775. The Court heard argument on the Parties’ dispute at the Discovery Management
8 Conference on March 20, 2025. Having considered the Parties’ arguments, the Court hereby ORDERS
9 the following:

- 10 1. Section 7.4(j) of the Stipulated Third Modified Protective Order (ECF 1209) provides that:
11 “Unless otherwise ordered by the Court or permitted in writing by the Designating Party, a
12 Receiving Party may disclose any information or item designated ‘HIGHLY
13 CONFIDENTIAL (COMPETITOR)’ only to: ... (j) any custodian or other person who
14 otherwise possessed or knew the information contained in the Protected Material.”
- 15 2. Thus, before showing an HCC Document to a former Meta employee in deposition, Plaintiffs
16 are required first to establish sufficient foundation that the former Meta employee “possessed
17 or knew the information contained in the Protected Material,” as required under § 7.4(j) of the
18 Protective Order (ECF 1209). The Court refers the Parties to pages 204-218 and 251-254 of
19 the transcript of the March 4, 2025 deposition of Juliet Shen, a former employee of Defendant
20 Snap, for guidance on how sufficient foundation may be laid.
- 21 3. To the extent that Plaintiffs can establish that the former Meta employee knew only a portion
22 of the Protected Material, Plaintiffs are required to limit their questioning to the portion of the
23 document for which knowledge has been established.
- 24 4. To the extent that Plaintiffs can establish that the former Meta employee knew only a portion
25 of the Protected Material, Plaintiffs are permitted to disclose only the portion of the document
26 for which knowledge has been established by utilizing the screens provided by the trial
27 technician attending the deposition. However, the document should not be redacted (to redact
28

1 portions not shown to the witness) when it is attached as an exhibit to the deposition transcript
2 since the transcript will reflect the portion(s) of the document on which the witness testified.

- 3 5. In the event a dispute arises between Plaintiffs and Meta with respect to the sufficiency of a
4 former Meta employee's knowledge or possession of information contained in an HCC
5 Document to satisfy §7.4(j) of the Protective Order, the Parties are directed to follow the
6 procedures outlined in §K of the Stipulated Deposition Protocol (ECF 742).

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9 Dated: May __, 2025

10 HONORABLE PETER H. KANG
United States District Court Magistrate Judge

1 Respectfully submitted,

2 DATED: May 2, 2025

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ATTESTATION

I, Nelson Drake, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

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By: /s/ Nelson Drake
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